

APPLICATION GRANTED

SO ORDERED

VERNON S. BRODERICK

U.S.D.J. 12/7/2022

SCHAEFER LAW G

186 West Main

Smithtown, NY

631-382-4800 FAX 6

Parties shall file their joint letter and case management plan by January 5, 2023. The Clerk of Court is respectfully directed to terminate the motions at Docs. 9 and 10.

December 6, 2022

BY ECF

Hon. Vernon S. Broderick
United States District Judge
United States District Court
Southern District of New York
Thurgood Marshall
United State Court House
40 Foley Square
New York, New York 10017

Re: Lori Ostenfeld v. The Guardian Life Insurance Company of America, et al.
Case No. 22-cv-08265 (VSB)

Dear Judge Broderick:

This office represents plaintiff in the above referenced action. In accordance with § 1(G) of your Individual Rules & Practices in Civil Cases, please let this serve as a joint request by plaintiff and defendants, The Guardian Life Insurance Company of America and The Guardian Life Insurance Company of America Group Long Term Disability Income Insurance Plan Policy Number 00519629 (collectively, "Guardian"), for a 30-day extension of the time for the parties to file a joint letter and proposed case management plan and scheduling order. In the event this application is granted the submission deadline would be extended from today, December 6, 2022, up to and including January 5, 2023. There have been no previous extensions of this deadline and granting the requested extension would not impact any other scheduling orders.

Plaintiff and Guardian seek the extension because the remaining defendant, Newsela, Inc. ("Newsela") has yet to appear in the action. By obtaining an extension, plaintiff and Guardian hope to avoid the duplication of effort which would otherwise be necessitated for the purpose of preparing an amended submission once Newsela appears in the action.

With regard to Newsela's anticipated appearance, on November 17, 2022, our office received an email from an attorney, Douglas Motzenbecker, advising us that his firm was authorized to accept service of process and requesting the requisite waiver. On December 1, 2022, in response to our inquiry as to the status of the waiver, Mr. Motzenbecker emailed me and advised that he was in the process of trying to resolve certain "inception issues" and that he

Hon. Vernon S. Broderick
United States District Judge
December 6, 2022
Page Two

would get back to me in a few days. In my December 1st response, I advised Mr. Motzenbecker that because we had been attempting to obtain a waiver of service since late October, if were not in receipt of a waiver by December 6th, we would be engaging a process server. To date, I have not received a response.

We thank the Court for its consideration of this application.

Respectfully submitted,

/s/

Wayne J. Schaefer

cc: Counsel of Record (by ECF)
Douglas Motzenbecker, Esq. (by email dmotzenbecker@grsm.com)